United Nations
GENERAL ASSEMBLY
FORTY-EIGHTH SESSION

Official Records

72nd PLENARY MEETING

Thursday, 9 December 1993 at 10 a.m.

NEW YORK

President: Mr. INSANALLY (Guyana)

The meeting was called to order at 10.30 a.m.

TRIBUTE TO THE MEMORY OF FELIX HOUPHOUET-BOIGNY, PRESIDENT OF THE REPUBLIC OF CÔTE D'IVOIRE

The PRESIDENT: Before we take up the agenda for this morning, the Assembly will first pay tribute to the memory of the late President of the Republic of Côte d'Ivoire, His Excellency Mr. Félix Houphouët-Boigny.

As a believer in peace, in the fraternity of men and in the virtues of dialogue, President Houphouët-Boigny has long been and will always remain an example and an inspiration not only to Africa but to the whole family of nations. On behalf of the General Assembly, I should like to convey our heartfelt condolences to the Government and the people of the Republic of Côte d'Ivoire and to the bereaved family of the late President.

I invite representatives to stand and observe a minute of silence in tribute the memory of the late President of the Republic of Côte d'Ivoire.

The members of the General Assembly observed a minute of silence.

The PRESIDENT: I now call on the representative of Angola, who will speak on behalf of the Group of African States.

Mr. VAN DUNEM "MBINDA" (Angola): Africa, from the Maghreb to the Cape of Good Hope, and from the Atlantic Ocean to the Indian Ocean, today mourns the irrecoverable loss that the continent and the whole world has just suffered with the passing away into eternal rest of President Félix Houphouët-Boigny of Côte d'Ivoire.

This illustrious statesman, a staunch supporter of the struggle for independence of the African continent, was not a stranger to us.

President Houphouët-Boigny, the Wise Man of Africa and the Father of all Africans, committed himself, from early times, to the struggle for the liberation of the African peoples. He has always inspired great respect and admiration among his African colleagues and many other people in the world.

The contribution made by President Félix Houphouët-Boigny to the peace process in Angola deserves, on the part of each Angolan man, woman and child, a great tribute to this African leader, a tribute to the dimension of his remarkable personality.

For almost 30 years, President Félix Houphouët-Boigny was a driving force behind the processes of political stability, social and economic development, and social justice that were achieved and which will serve as an example to future generations in Côte d'Ivoire and around the world.

At this time of grief and sadness for our brothers in Côte d'Ivoire, allow us, on behalf of the African Group at the United Nations, to express to the bereaved family and

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93-87333 (E)

Distr. GENERAL

A/48/PV.72
21 December 1993

ENGLISH

to the Government and the people of Côte d'Ivoire our sincere condolences.

Peace to his soul.

The PRESIDENT: I now call on the representative of Japan, who will speak on behalf of the Group of Asian States.

Mr. MARUYAMA (Japan): On behalf of the Asian Group, I would like to extend to the Government and the people of the Republic of Côte d'Ivoire our sincere condolences on the demise of their revered President, His Excellency Mr. Félix Houphouët-Boigny.

We are deeply saddened by the passing of this great twentieth-century African leader. Mr. Houphouët-Boigny's 33 years as President of the Republic of Côte d'Ivoire coincided with the history of his nation as an independent State, along with many other African States. Looking back over his long and exemplary term of office, we are inspired by his visionary leadership in the face of awesome challenges as he guided his country through the uncharted territory of post-colonial development. His dedication to the welfare of his people and to the growth and stability of his nation contributed to the political and economic stability of newly independent States throughout the African continent. The sense of balance between nationalism and internationalism that he brought to his office should serve as a guiding example to the rest of the world as we work together to consolidate international peace and security. Perhaps the best way we can honour the memory of this great leader is by endeavouring to emulate his far-sighted internationalism. I am confident that his legacy will be reflected in the future achievements of his nation and in the progress we make towards building a more tolerant, peaceful and prosperous world.

The PRESIDENT: I now call on the representative of The Former Yugoslav Republic of Macedonia, who will speak on behalf of the Group of Eastern European States.

Mr. MALESKI (The Former Yugoslav Republic of Macedonia): On behalf of the members of the Group of Eastern European States, I would like to pay a tribute to the late President Félix Houphouët-Boigny of Côte d'Ivoire, one of the longest-serving Heads of State on the African continent and in the world, who died of natural causes on 7 December 1993.

May I ask the delegation of Côte d'Ivoire to convey to the family of the deceased President, to the Government and to the people of Côte d'Ivoire our sincere condolences.

The PRESIDENT: I now call on the representative of Ecuador, who will speak on behalf of the Latin American and Caribbean Group.

Mr. PONCE (Ecuador) *(interpretation from Spanish)*: African migrations have enriched Latin America and the Caribbean and have left an indelible imprint on our culture. African rhythms permeate our music and, just as we share the joy, today we must share the sorrow. The passing of President Houphouët-Boigny of Côte d'Ivoire clothes Africa in mourning.

As parts of the developing world, Africa and Latin America and the Caribbean confront similar problems and agree on the need for change in the prevailing unjust international economic order. President Houphouët-Boigny played an outstanding role in the struggle of our peoples to achieve fair, remunerative and stable prices for our raw materials. Moreover, his active participation in efforts to resolve the great crises of that continent which is so dear to our hearts - crises such as those in Liberia, Angola and South Africa - made him a leader of great renown. Now that he is gone, we pay a tribute to his memory.

We ask the delegation of Côte d'Ivoire to convey to the family of the deceased President and to his Government and people the sincerest condolences and feelings of solidarity of Latin America and the Caribbean.

The PRESIDENT: I now call on the representative of Portugal, who will speak on behalf of the Group of Western European and Other States.

Mr. CATARINO (Portugal): I have the honour to speak on behalf of the Group of Western European and Other States.

It is with deep sorrow that I wish to pay a tribute to the memory of President Félix Houphouët-Boigny of the Republic of Côte d'Ivoire, who passed away on 7 December.

President Houphouët-Boigny earned widespread respect in the international community, enjoying exceptional respect and moral authority both at home and abroad. He was a man of indisputable influence, with a remarkable political longevity that made him a prestigious and charismatic African statesman.

In this forum, I will limit myself to recalling the significant role President Houphouët-Boigny played and the natural and constructive approach he had towards existing problems in the African continent and, most recently, his profound interest and involvement in the peace process in Angola.

I would like to conclude by expressing my Group's sincere and heartfelt condolences and feelings of sympathy to the Government and people of the Republic of Côte d'Ivoire and to the bereaved family of the late President Houphouët-Boigny.

The PRESIDENT: I now call on the representative of the United States of America, who will speak on behalf of the host country.

Mrs. ALBRIGHT: The United States, as host country, wishes to express its profound sadness at the loss of President Félix Houphouët-Boigny of Côte d'Ivoire. We extend our sympathies to the family of the President and to the people of Côte d'Ivoire as they mourn the loss of a great man of peace.

He was one of Africa's great statesmen and a leader who will be remembered for years to come for his rejection of violent confrontation and his commitment to peace through conciliation and consensus. He was a long and faithful friend to the United States and to all peace-loving peoples, a statesman who actively shared in international efforts to find peaceful solutions to conflicts in Africa, most recently in Angola and Liberia.

He was well known for his support of international and regional organizations and played important leadership roles in the Organization of African Unity and the Economic Community of West African States. His reputation as a peacemaker was highlighted in 1990 by the establishment of the Houphouët-Boigny Peace Prize, awarded annually by the United Nations Educational, Scientific and Cultural Organization in recognition of special contributions to world peace.

President Houphouët-Boigny will be sorely missed, both in Côte d'Ivoire and in the international arena, but he leaves behind an abiding legacy of support for peace and the rule of law. He will long be remembered for his contributions to his country, to Africa and to the world. We join the people of Côte d'Ivoire in their sorrow.

The PRESIDENT: I now call on the representative of Côte d'Ivoire to reply.

Mr. GERVAIS (Côte d'Ivoire) *(interpretation from French)*: The sympathy expressed on the occasion of the passing of our lamented President, His Excellency Mr. Félix Houphouët-Boigny, testifies to the international community's great esteem for this giant of Africa, one of the founding fathers of the Organization of African Unity, whose domestic and foreign policies were exclusively directed towards serving the causes of peace, harmony and unity.

Before going on, I should like to express my gratitude to the Secretary-General, Mr. Boutros Boutros-Ghali, for the most comforting message that he was good enough to address to my Government and the people of my country. I would also like to thank the President of the General Assembly, Mr. Samuel Insanally, for the encouraging words addressed to my country and my delegation. To the whole Assembly and to the anonymous members of the Secretariat who have expressed their compassion, I wish to say how much their messages have gone to our hearts. My gratitude also goes to the Presidents of the principal organs of the United Nations as well as the Chairmen of the Main Committees.

This man for whom we felt such affection and who has now been taken from us had, with his country and his people and, beyond them, with the entire continent and all Africans, such deep and special relations that his absence will not be felt by the people of Côte d'Ivoire alone. During his long political career, nothing that concerned Africa left him indifferent. His entire life was marked by acts in which his bravery and political courage never strayed from his realistic perception of people and things. The clear understanding which President Félix Houphouët-Boigny had of events earned him the respect of all the world, so solidly were his actions based on tolerance and peace, tenets in which he believed unreservedly.

Today, when he has just left us, it is too early and our emotion is too great for a dispassionate analysis of the scope of President Félix Houphouët-Boigny's achievements in our country, Côte d'Ivoire, whose soul he moulded with his hands and mind.

However, in this time of deep sorrow for all our citizens, I should like to mention only one of the many character traits of this giant of African history, namely, his fidelity - his fidelity to a continent, his fidelity to friendship, his fidelity to the most difficult - and often lonely - causes. As a statesman he was always true to his word, and, his considered decision once taken, he never wavered. In many respects President Félix Houphouët-Boigny, a fighter, drew from the fidelity of his opinions his honour and the true reward of his actions. His fidelity to his country and its people was so integral a part of his personality that it became a part of our history, to the point that the date of his departure after an exceptionally lengthy career was made to coincide with the date of our independence, an independence for the recovery of our dignity on which he had, from the very beginning, based his political struggle.

In conclusion, and while repeating my thanks, I should like to assure members that the messages of

sympathy addressed to my Government and to the family of President Félix Houphouët-Boigny will be faithfully transmitted to them.

AGENDA ITEM 38 *(continued)*

ELIMINATION OF APARTHEID AND ESTABLISHMENT OF A UNITED, DEMOCRATIC AND NON-RACIAL SOUTH AFRICA

The PRESIDENT: Before turning to the item on today's agenda, I should like to make an announcement. The General Assembly, by consensus, adopted resolution 48/1 on 8 October. That resolution dealt with the lifting of sanctions against South Africa in view of constitutional and other developments in the country that were reported to the General Assembly by the Special Committee against Apartheid. Paragraph 2 of the resolution states that the General Assembly:

> "Also decides that all provisions adopted by the General Assembly relating to the imposition of an embargo on the supply of petroleum and petroleum products to South Africa, and on investment in the petroleum industry there, shall cease to have effect as of the date that the Transitional Executive Council becomes operational, and requests all States to take appropriate measures within their jurisdiction to lift any restrictions or prohibitions they have imposed to implement previous resolutions and decisions of the General Assembly in this respect".

I have received letters dated 7 December 1993 from the Chairmen of the Special Committee against Apartheid and the Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa informing me that the Transitional Executive Council in South Africa is now operational. I have also received a letter from the Permanent Representative of South Africa to the United Nations informing me that the Transitional Executive Council met on 7 December.

In view of that information, and with respect to paragraph 2 of the General Assembly resolution, which I have just read out, I am pleased to inform the Assembly that the embargo related to the supply of petroleum and petroleum products to South Africa and investment in the petroleum industry there is now lifted.

It is not proposed that statements be heard at this time. Members may wish to make statements on the lifting of United Nations sanctions and other developments in South Africa when the General Assembly again takes up agenda item 38 on the "Elimination of apartheid and establishment of a united, democratic and non-racial South Africa" on 13 December.

AGENDA ITEM 36

LAW OF THE SEA

(a) REPORT OF THE SECRETARY-GENERAL (A/48/527 and Add.1)

(b) DRAFT RESOLUTION (A/48/L.40)

The PRESIDENT: Before calling upon the first speaker I should like to propose that the list of speakers in the debate be closed at 11.30 a.m. today. If I hear no objection, it will be so decided.

It was so decided.

The PRESIDENT: I therefore request those representatives wishing to participate in the debate to inscribe their names as soon as possible.

I now call upon Mr. José Luis Jesus of Cape Verde who, in his capacity as Chairman of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea, will introduce draft resolution A/48/L.40.

Mr. JESUS (Cape Verde), Chairman of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea: On 16 November of next year the Law of the Sea Convention will come into force. This will undoubtedly be a memorable date, for it will signal the culmination of a long process to bring into existence a much-needed and internationally praised international legal regime governing the oceans and establishing the rules for the orderly use and exploitation of their resources.

The Law of the Sea Convention has been hailed as a major legal instrument, not only for the importance and the vastness of its object but also for the great degree of consensus it commands, especially in relation to the provisions dealing with the territorial sea, archipelagic waters, exclusive economic zone, continental shelf, high sea and the protection of the marine environment, to name but a few.

In effect, the impact of the Convention on national legislation has been so profound that most of its provisions are being applied or observed at the national level and by the international community in general, even before it is in force. Therefore, its entry into force will only strengthen its binding effect.

Today we all have a reason to celebrate the imminent entry into force of the Convention, for it is the crowning of decades of painstaking negotiations and hard work and it represents the international consolidation of such an important Treaty, one that translates a major achievement in the field of progressive development and codification of international law.

We regret, however, that certain difficulties with Part XI of the Convention and related annexes dealing with the seabed regime have prevented a more widespread participation by countries in the Convention.

The commendable efforts of the Secretary-General to assist in finding an acceptable solution to those difficulties of Part XI with a view to facilitating the universal participation in the Convention have led to a series of consultations which, we hope, will soon produce concrete and final results. It is our view that those consultations should be intensified in light of the imminent entry into force of the Convention.

The Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea, meeting twice a year since 1983, has made great progress in its work, having disposed of the bulk of its mandate, and, indeed, at its last meeting, held this spring, considered and took note of its final provisional report.

The difficulties of part XI and related annexes - difficulties that I have mentioned already - prevented the Commission from finding a solution for every set of rules, regulations and procedures we were mandated to prepare. None the less, we disposed of all matters that, in the circumstances, could possibly be dealt with. However, in the light of the Convention's entry into force next year, the Preparatory Commission will have to meet to consider relevant matters.

I take this opportunity to thank all those who, over the years, have, in one way or another, extended their cooperation to me in my capacity as Chairman of the Commission.

I have the honour to introduce the draft resolution on the law of the sea (A/48/L.40) on behalf of Australia, Brazil, Canada, Chile, Denmark, Fiji, Guyana, Iceland, Indonesia, Jamaica, Malta, Mauritania, Mexico, Myanmar, New Zealand, Norway, the Philippines, Portugal, Senegal, Sierra Leone, Sri Lanka, Sweden, Trinidad and Tobago, Ukraine, Uruguay and my own country, Cape Verde.

The draft resolution is based, to a large extent, on the text of the equivalent resolution adopted last year by the Assembly, and its preparation is the result of extensive open-ended consultations. I shall therefore save the Assembly's time by drawing attention just to some redrafted or additional paragraphs.

In paragraph 2, note is taken of the fact that the Convention will come into force on 16 November 1994.

In paragraphs 3, 4, 5 and 20, emphasis is laid on the consultations led by the Secretary-General aimed at achieving universal participation in the Convention.

The servicing of a week-long meeting of the Preparatory Commission in February 1994 and of a possible further meeting in the summer of next year is requested in operative paragraph 21.

Paragraph 23 takes note of the need to make arrangements for the first session of the Assembly of the Authority.

I commend the draft resolution to the General Assembly for its positive consideration.

Mr. TUERK (Austria): The Austrian delegation is highly pleased to be able once again to make a modest contribution to the debate on the important question of the law of the sea.

I should like, first, to express my profound gratitude to the Secretary-General and his collaborators in the Division for Ocean Affairs and the Law of the Sea for presenting the report contained in document A/48/527 and Add.1, which comprises a comprehensive and succinct presentation not only as regards developments relating to the law of the sea, but also with regard to maritime safety and marine environmental protection, waste management, conservation and management of marine resources, and so on.

This report deserves high commendation for the manner in which it sets forth the various subject-matters. For Austria, as for other land-locked countries not extensively involved in uses of the sea, such a comprehensive document, giving a detailed overview of all maritime activities, also constitutes an important source of information.

The oceans, which cover approximately 70 per cent of the surface of the Earth, have always played a significant role in the development of humanity - particularly as a vast area of communication, but also in satisfying the nutritional needs of coastal populations. Since the beginning of this century, there has been an increasing necessity to exploit marine resources, whether living or

non-living, because of the increasing needs of a steadily growing world population. At the same time, the possible uses of marine spaces and resources for the benefit of mankind have been greatly extended by technological progress.

These developments have led to an increasing tendency among coastal States to assert sovereign rights over resources in maritime zones far beyond their coasts. The growing awareness of States that all the members of the international community, irrespective of their economic development or their geographic location, should be able to benefit from the exploitation of the ocean resources led eventually to the elaboration of a new international maritime order enshrined in the United Nations Convention on the Law of the Sea of 1982.

It took the international community 15 years to work out this all-encompassing regime designed to govern all maritime uses. During the long and difficult negotiations at the Third United Nations Conference on the Law of the Sea, it turned out that it was impossible to satisfy entirely the often-conflicting desires of all the members of the international community.

In particular, the land-locked and geographically disadvantaged States had to reduce their expectations as to the benefits they might derive from the Convention, as they could not offer anything in exchange at the negotiating table, except their agreement to a new legal regime for the oceans. However, we must not forget that even land-locked countries perform maritime activities - to a greater extent, indeed, than certain coastal States - in the fields of navigation and marine scientific research. It would therefore be wrong to deny the maritime interests of these countries. That being the case, I should like to reiterate that all States, whether coastal or land-locked, have a common interest in the oceans and their resources. I make this point at a time when there is a greater number of land-locked countries on our planet than there has been at any other time in modern history.

Thus, the solutions that the Conference finally worked out could generally be accepted by all, or nearly all, States, regardless of whether they were always the best solutions. But this situation was compensated for by the enormous advantage that possible doubts as to the legal norms to be applied to the oceans could be dispelled. This was a major contribution to the removal of legal instability in this area.

Eleven years have now elapsed since the adoption of the United Nations Convention on the Law of the Sea - that monumental work of codification and progressive development of international law. During those years the Convention, although not yet in force, proved its enormous value. The fact that, already, its rules have, in part, become customary international law bears witness to this. The Austrian delegation is thus pleased to see from the Secretary-General's report that the Convention is also playing an indispensable role with regard to the development of international law on marine and environmental protection.

However, some of the basic assumptions underlying the provisions relating to the exploration and exploitation of the seabed beyond the limits of national jurisdiction have not been realized. It is thus our common task to adjust these provisions to the requirements of the present and the future.

Austria also continues to note with concern that national legislation does not always conform to the provisions of the Convention. This may upset the delicate balance which has been established by the Convention and which formed the basis for its acceptance by the land-locked and geographically disadvantaged States. We cannot overlook the fact that rights of these States enshrined in the Convention are not always fully reflected in national legislation. I refer, for instance, to their rights in the field of marine scientific research.

On the positive side - as is indicated in the Secretary-General's report - a growing number of countries continue to adopt or modify their legislation in accordance with the provisions of the Convention. Let me point out, for instance, that at the beginning of this year Brazil enacted a comprehensive law on the marine areas over which it exercises sovereignty or jurisdiction. This law reduces Brazil's territorial sea claim from the 200 miles established in 1970 to 12 nautical miles.

My delegation has further noted from the Secretary-General's report that since Agenda 21 of the United Nations Conference on Environment and Development was endorsed by the General Assembly there has been a particularly remarkable surge of new developments in the fields of maritime safety, navigation, maritime transport and pollution-emergency preparedness, as well as in the field of the disposal of wastes from ships and by dumping.

While we are gratified by this positive trend, we cannot fail to recognize that the world's marine fisheries are facing serious conservation and management problems as important fish stocks worldwide suffer from ever-increasing pressure from growing fishing fleets. Enhanced protection of the marine environment and the effective and balanced conservation and management of living marine resources must remain very high on the agenda of the international community, for by causing irremediable harm

to the oceans and their riches we would be depriving mankind of an important part of its common heritage.

With the entry into force of the United Nations Convention on the Law of the Sea now only 11 months away, we have indeed reached a crucial juncture. The entry into force of the Convention will undoubtedly serve to consolidate the provisions that have already received general acceptance. However, a Convention that is not also adhered to by the major industrialized countries cannot realize the aspiration that lay behind its preparation - that is, the aspiration to form a just and equitable legal basis for the use of the seas by all the members of the international community.

Since the very beginning of the endeavours to prepare a new Convention on the Law of the Sea, Austria has highly valued the principle of the common heritage of mankind. The question that we are confronted with today is how best to administer that common heritage.

Universal participation in the Convention is a basic requirement for any viable system for the exploration and exploitation of the resources of the deep seabed. In addressing the questions that have so far impeded general acceptance of the Convention, we have to face the fact that commercial deep-seabed mining now seems a distant prospect, contrary to what we thought when negotiating the relevant provisions. Our aim must thus be to ensure a feasible, universally acceptable system of deep-seabed mining that would truly put into practice the principle of the common heritage of mankind by providing benefits for all members of the international community, and in particular for the least developed and the land-locked among the developing countries.

When I had the privilege of addressing the Assembly at its forty-fourth session on the topic of the law of the sea, I pointed out that, in Austria's view, general agreement must be sought to adapt certain provisions of the Convention in a pragmatic and flexible manner, taking into account, in particular, the fundamental changes in economic and political circumstances since those provisions were drafted.

Let me therefore express my delegation's most sincere appreciation to the Secretary-General for his initiative of convening the informal consultations aimed at resolving the outstanding issues relating to deep-seabed mining in order to achieve the goal of participation in the Convention by all States.

Particular gratitude is due the Legal Counsel, Under-Secretary-General Carl-August Fleischhauer, for superbly guiding these consultations, which have made significant progress, particularly in November of this year. The Austrian delegation sincerely regrets that Mr. Fleischhauer will no longer be with us at the next round of consultations in February 1994. We extend to him our very best wishes in his new and most distinguished function at the International Court of Justice.

On behalf of the Austrian delegation, let me further express our most sincere appreciation to the Chairman of the Preparatory Commission, Ambassador José Jesus of Cape Verde, for his unrelenting efforts over many years, which have brought us much closer to a final consensus on the outstanding issues.

The last round of the informal consultations almost surpassed all my delegation's expectations. Considerable progress was made, not only on extremely difficult procedural questions but also on specific, substantive matters. An agreement relating to the implementation of part XI of the United Nations Convention on the Law of the Sea now seems to be within our grasp. We believe that such an agreement, in taking account of the fundamental changes that have occurred since the elaboration of the deep-seabed-mining provisions of the Convention, should make it clear that its provisions supersede the relevant provisions of the Convention itself, which shall no longer apply as they will no longer be of practical effect, having become obsolete.

It is also important to allow for immediate participation by industrialized countries in the International Seabed Authority by providing for the possibility of provisional application of the Law of the Sea Convention - and thus for provisional membership in the Convention's organs - pending the process of ratification.

The draft resolution now before the Assembly for adoption rightly recalls the historic significance of the United Nations Convention on the Law of the Sea as an important contribution to the maintenance of peace, justice and progress for all peoples of the world. We also share the satisfaction at the expressions of willingness to explore all possibilities for addressing issues of concern to some States in order to secure universal participation in the Convention.

Let me emphasize that the successful resolution of those issues is a matter of genuine concern for all States, as otherwise universality for the Convention will elude us. Despite the significant progress made so far in the course of the informal consultations, the remaining difficulties should not be underestimated. In view of the fact that the Convention enters into force within under a year, the consultations will have to be accelerated: time is running out, so let us make the best use of it.

Mr. GELBER (United States of America): With the sixtieth ratification of the 1982 United Nations Convention on the Law of the Sea, we have entered a new phase in our search for a convention that can achieve broad acceptance within the international community. The fact that the Convention will enter into force on 16 November 1994 should serve as an incentive to all States to redouble their efforts toward this end.

I should like to join others in commending the Secretary-General and his staff on their efforts in seeking to facilitate a solution to the problems posed by the seabed-mining provisions of the Convention.

In the months since the United States Government decided to support actively the search for a solution through the Secretary-General's informal consultations, substantial progress has been made in moving from a conceptual outline for a solution to a negotiating text of a draft agreement. While the text is not perfect and difficult issues still confront us, its emergence, and the substantial support it has achieved as a basis for negotiation, are hopeful signs; they are manifestations of the dedication of all participants to the objective of removing the remaining obstacles to a widely accepted Convention within the next year.

We therefore support the request the Assembly would make to the Secretary-General under the draft resolution to continue his consultations and the invitation it would extend to all States to make renewed efforts to facilitate universal participation in the Convention. Notwithstanding the difficulties that remain, my Government believes that it is possible to remove the remaining obstacles to broad-based acceptance of the Convention before its entry into force. We are encouraged that other participants in the consultations are also demonstrating the political will necessary to achieve this objective.

Nevertheless, as we have done for the last two years, we shall abstain in the voting on the draft resolution because of its unqualified calls for ratification of the Convention and its continuing support for the work of the Preparatory Commission in the implementation of the present seabed mining provisions. It is our hope, however, that success in the informal consultations will lay the groundwork for a draft resolution next year that we can support.

Mr. KALPAGÉ (Sri Lanka): The adoption of the United Nations Convention on the Law of the Sea on 10 December 1982 marked one of the most important events in the history of the United Nations. It was the product of the collective endeavour of the international community. Furthermore, the Convention symbolized the interdependence of nations and asserted that the oceans were the common heritage of all humanity. Today we stand on the threshold, facing the certainty that in less than one year the new law of the sea will enter into force.

During the current year the Secretary-General has continued informal consultations aimed at promoting dialogue and achieving universal participation in the Convention. While the Convention has received the requisite ratifications for its entry into force, universal participation in it is essential if the new legal regime of the oceans is to be effective and ocean resources are to be harnessed for the benefit of mankind as a whole.

The search for universality, however, should in no way compromise the fundamental premises upon which the Convention was carefully built, such as the principle of the common heritage of mankind. This is fundamental to the new legal regime and is of special concern to the developing countries. It has also had an impact on other spheres, such as the global environment.

The Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea has also made progress in its work, under the able chairmanship of Ambassador José Luis Jesus of Cape Verde. We note that the entry into force of the Convention would also affect the programme of work of the Commission, which is expected to convene a meeting of the Group of Technical Experts to review the state of deep-seabed mining and to make an assessment as to when commercial production may be expected to commence.

We believe that these and other measures undertaken with the entry into force of the Convention will facilitate the realization of its objectives. There is also an increasing demand, particularly on the part of the developing countries, for information and assistance. A lack of resources and scientific and technological capabilities has prevented the developing countries from taking effective measures for the full realization of the potential of the Convention.

The growing dependence on the oceans' bounty has led to traditional uses of the seas being extended to include new uses for, and more efficient exploitation of, their resources. States that have a common interest in a resource and those that share common ocean areas or coasts have combined their efforts. Many such groupings have taken steps to further their interests and to enhance capacities by sharing their capabilities.

The Indian Ocean Marine Affairs Cooperation (IOMAC) is one such endeavour. IOMAC has succeeded in establishing an organization for cooperation between

States that surround an ocean basin spanning two continents and including those regions that are home to the majority of mankind and accommodate the most intense concentration of nations of the world.

We appreciate the need for the participation of the developed countries in the new legal regime of the oceans. Their active participation in the law-of-the-sea regime would maximize benefits for the developing countries through the sharing of technology, scientific knowledge and experience. We must identify their special concerns and strive to address these concerns to the extent possible. The Indian Ocean countries, through the IOMAC forum, have created a bridge for cooperation between the developed and the developing countries with the establishment of the IOMAC Technical Cooperation Group.

As the law-of-the-sea regime enters a new phase, greater emphasis must be placed on regional initiatives like IOMAC, which is striving to maximize the benefits of ocean resources to States in the region. Developed States, international organizations, in particular the United Nations Development Programme (UNDP), and other multilateral funding agencies must review their policies and programmes with a view to intensifying financial, technological and other assistance to regional initiatives.

Following the adoption of Agenda 21 of the United Nations Conference on Environment and Development (UNCED), the international community has increased its efforts to safeguard the marine environment. In this context, we appreciate the integrated approach to standard setting and resolution implementation taken by the International Maritime Organization. We also note the initiatives being made in the field of capacity building and training, as a follow-up to Agenda 21 of UNCED, and the action plan being developed by the Division for Ocean Affairs and the Law of the Sea. These initiatives, we believe, would greatly assist the developing countries in their capacity building and help to strengthen the institutions in regard to integrated management of coastal and marine areas.

We are pleased that the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, under the able chairmanship of Ambassador Satya Nandan of Fiji, made progress at its first session. The Conference cannot be allowed to fail. The problem of unregulated high-seas fishing is of grave concern to all States, be they coastal or distant-water fishing States. Intensified efforts and a readiness to compromise are essential, and an early and satisfactory conclusion must be reached.

The first President of the Conference on the Law of the Sea, Ambassador Hamilton Shirley Amerasinghe, a distinguished son of Sri Lanka, said at the opening of that Conference, as reported in the summary record of the meeting:

> "A convention or conventions ensuring a generally acceptable, stable and durable law of the sea would be not only a monument to the patience, perseverance, diplomatic skill and spirit of fraternal cooperation of the participants and the States they represented, but would also honour the highest ideals of the Charter and other international legal instruments which sought to express the aspirations and yearnings of all peoples of the world." (*Official Records of the Third United Nations Conference on the Law of the Sea*, vol. I, Summary Records of Meetings, 1st plenary meeting, para. 17)

Today we are preparing for the entry into force of that comprehensive Convention - a Convention that was formulated by us all. The countdown has begun, and the one year of time remaining until 16 November 1994 is surely and steadfastly passing. The manifold components of the Convention encompass a range of subjects of vital concern to the entire world. It embraces problems of a political, economic, ecological and technological character, and its entry into force will have a lasting impact on us all. It augurs well for the future of mankind.

In this connection, we are appreciative of the work of the Division for Ocean Affairs and the Law of the Sea for its role in keeping States abreast of developments. It has helped in providing us with a series of valuable publications. These have included extracting relevant national legislation on significant aspects of the Convention; providing historical perspectives of such issues; and recently, several handbooks which provide a practical guide to implementing complex provisions of the Convention. The annual report to the General Assembly is always a welcome synthesis of global ocean activity. However, this year again, regrettably, the report has only just been received, and we have not had time to study it or adequately to review its content.

What we need to do most urgently is to ensure that the activities of the United Nations Division for Ocean Affairs and the Law of the Sea respond to the demand - which is now urgent - to facilitate ratification by those States that have yet to ratify the Convention and the fulfilment of the obligations that fall on all upon its entry into force.

We see the need for three areas of action: first, continuation of the efforts to bring about universal

acceptance, which we feel are moving ahead constructively; secondly, the continuation of the existing activities focused on keeping States abreast of developments and reporting periodically on issues relating to the law of the sea; and thirdly, and most important, we see the need for the urgent enhancement of activities to facilitate the efforts of States - individually, subregionally and interregionally - to secure the benefits of the new ocean regime.

For several years, the annual resolution has contained operative paragraphs in which the General Assembly called for such activity by the United Nations, by the funding agencies and by Member States. It is for the United Nations to take the lead in facilitating this process. Here we look to the Division, which, in cooperation with the specialized agencies, should deliver to us the kinds of support and assistance called for in the report presented by the Secretariat two years ago concerning the needs of countries, particularly developing countries. I refer to United Nations document A/46/722, entitled "Realization of benefits under the United Nations Convention on the Law of the Sea: measures undertaken in response to needs of States in regard to development and management of ocean resources, and approaches for further action".

Sri Lanka, which played an active role in the Law of the Sea negotiations, welcomes the entry into force of the United Nations Convention on the Law of the Sea in November 1994, having received 60 ratifications. Sri Lanka's own ratification of the Convention is under active consideration.

Accordingly, Sri Lanka is pleased to co-sponsor draft resolution A/48/L.40, which was introduced by the Permanent Representative of Cape Verde this morning.

Mrs. FRECHETTE (Canada) *(interpretation from French):* On 16 November, Guyana deposited its instrument of ratification of the United Nations Convention on the Law of the Sea, bringing the total number of ratifications and accessions to 60. The Convention will therefore enter into force on 16 November 1994.

This is the latest milestone in a process that began in 1967, when the General Assembly decided to establish an ad hoc committee to study all aspects of the peaceful uses of the seabed and its resources beyond the limits of national jurisdiction.

The process initiated in 1967 led, on 10 December 1982, to the signature in Montego Bay, Jamaica, of the United Nations Convention on the Law of the Sea, a multifaceted Convention that constitutes a monument to international cooperation in the treaty-making process. It governs all aspects of ocean space from delimitations to environmental control, scientific research, economic and commercial activities, technology and the settlement of disputes relating to ocean matters.

The hallmark of this Convention has been the universal support that it has enjoyed. More than 150 countries, representing all regions of the world, participated in its negotiation. It was signed by 119 countries, including my own, on the very first day on which it was opened for signature. By the time the period for signature closed on 9 December 1984, some 159 States had signed the Convention.

In order for the Convention to fulfil its role as a constitution for the world's oceans, it must continue to enjoy the support of the entire international community. With this in mind, the Secretary-General convened informal consultations in 1990 to address the deep seabed mining issues that were preventing some States from acceding to the Convention.

Like many other States, Canada believes that the provisions of part XI must reflect the world economic situation: they must take into account the fact that the deep seabed will not produce notable economic results as rapidly as the international community first believed it would; and they must also, as indicated in the draft resolution itself (A/48/L.40), take into account an economic reality characterized by the growing importance of the market economy. These are the prerequisites for widespread adherence. They hold the key to our having a Convention that will be acceded to by the vast majority of States, including the industrialized States.

The last round of informal consultations, held here early last month, showed us that we are on the right track. Much remains to be done, but we are convinced that certain provisions of part XI can be interpreted and changed in such a way as to achieve universal adherence. The international community's efforts to that end will be based on the accepted principle that the deep seabed is part of the common heritage of mankind.

Having the longest coastline in the world and important maritime interests, Canada is proud to have played an active role in negotiations on the Convention and in the informal consultations led by the Secretary-General. We shall continue to do so, and we remain confident that the international community will take advantage of this unique opportunity and will succeed in finding tangible solutions to the difficulties found in part XI.

Before turning to other matters, I should like to pay tribute to Mr. Carl-August Fleischhauer, the Legal Counsel

of the United Nations, for his outstanding work. He will soon be leaving his present position in order to undertake new challenges. We offer him our best wishes for success.

(spoke in English)

The draft resolution also deals with the conservation and management of fisheries resources. The question of fisheries was one of the major issues addressed by the Convention. The development of the concept of the exclusive economic zone was designed to ensure that coastal States undertook obligations for the proper conservation and management of the living marine resources up to 200 miles from their coasts. The Convention also provides that all States must cooperate to ensure that high-seas fisheries are managed in a manner that ensures the conservation of fisheries resources. It was not foreseen at the time of the drafting of the Convention, however, that the part of these resources found on the high seas would be so severely threatened as to cause the serious problems we now face. International attention is focused on those stocks that straddle the limits between exclusive economic zones and the high seas, referred to as straddling fish stocks, and on those that range over vast areas of the world's oceans, including many exclusive economic zones. I am referring here to the highly migratory fish stocks, which have become an important international fisheries issue for the 1990s.

The critical situation of straddling fish stocks and highly migratory fish stocks was made plain during last year's United Nations Conference on Environment and Development (UNCED), which in Agenda 21 called for the convening of an intergovernmental conference to address the issue. From Canada's point of view, this was one of UNCED's principal achievements.

Canada is pleased to note the progress made to date by the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, convened pursuant to General Assembly resolution 47/192. Under the able leadership of Ambassador Satya Nandan of Fiji, we have begun to narrow the gap between the views of coastal and distant-water fishing States. A negotiating text has been prepared by the Chairman of the Conference and is currently under consideration by participants.

In Canada's view, the Conference should establish, in accordance with the principle of sustainable development, an effective regime for the conservation and management of straddling fish stocks and highly migratory fish stocks on the high seas, consistent with the United Nations Convention on the Law of the Sea. In order to ensure the effectiveness of such a regime, it must be established through a legally binding instrument. Document A/CONF.164/L.11/Rev.1 of 28 July 1993, submitted by Argentina, Canada, Chile, Iceland and New Zealand, contains a draft of such an instrument, outlining the necessary elements of the proposed regime and reflecting the results of wide-ranging consultations.

Canada looks forward to the completion of the Conference in 1994 with an outcome that will effectively regulate high-seas fisheries for straddling fish stocks and highly migratory fish stocks, consistent with the United Nations Convention on the Law of the Sea.

Mr. NOTERDAEME (Belgium) *(interpetation from French)*: I have the honour to address the Assembly on behalf of the European Union.

The law of the sea has always stirred keen interest in the European Union and its member States. The European Union holds firmly that legal security must rule the seas and oceans to guarantee international peace and security. In this context, we must have a comprehensive legal regime governing the seas and oceans.

We have, of course, a valuable instrument in this regard: the 1982 United Nations Convention on the Law of the Sea, which will enter into force in less than a year, now that 60 States of the more than 180 of the international community have become parties to it.

However, we are all aware that the industrialized countries are prevented from becoming parties to the Convention until the shortcomings of part XI, relating to the exploitation of the seabed, are redressed.

In the view of the European Union and its member States, the 1982 Convention must enjoy the widest possible adherence of the members of the international community in order to be effective. It seems to me that this point of view makes good sense and that it, like good sense, is shared by all.

Thus, we have an objective to pursue: the entry into force of a universally acceptable Convention. We must also try to meet the deadline of 16 November 1994.

This is not an insurmountable task; on the contrary, I would say that we have patiently built up trust and good will during the consultations on the law of the sea, thanks to the effective work of the Secretary-General and of Mr. Carl-August Fleischhauer, Legal Counsel of the United Nations. We are grateful for their unceasing efforts to make the international community aware of the importance of the Convention for the international legal order and their efforts to get the international community to act with good will despite the diversity of interests involved. The

European Union fully supports all these efforts, which are beginning to bear fruit. During the consultations in August and November there was a qualitative change that gave us reason for confidence.

I should like to highlight the constructive climate that prevailed in those consultations, enabling us not only to hear but also to listen to the concerns of all. This paves the way for a possible compromise.

At this point we must not forget that we are at a decisive stage of consultations, which are moving ahead because we already have sufficiently precise and flexible legal material to elaborate a legal agreement for the implementation of part XI of the Convention.

However, our reasons for optimism should not conceal the complexity of our task. There remains the fundamental question whether this task will be completed in time, which is why the consultations should be speeded up and the time remaining to reach an agreement should be managed with the utmost efficiency.

During the statement made last year on our behalf, the representative of the United Kingdom expressed the hope that

> "1993 will be a year of achievement". (*A/47/PV.83, p. 30*)

That hope has been fulfilled. We welcome the fact that during the Preparatory Commission's eleventh session, its informal Plenary Commission and the Special Commissions all succeeded in finishing their respective provisional draft final reports. This important achievement is a mark of how far the Preparatory Commission has come during its meetings. We pay a well-deserved tribute to Ambassador Jesus of Cape Verde, who, with great skill and talent, led the Preparatory Committee to the attainment of this result.

The other achievement this year is that, as I have said, we have reached a crucial stage in the consultations on the law of the sea. We must now without delay give concrete expression to the results achieved in recent months. I would add that for the law of the sea 1994 presents a challenge that must be successfully tackled by the international community as a whole.

The United Nations Convention on the Law of the Sea needs to be universal, and time is limited for responding to that need. We therefore have no choice but to succeed together, and the European Union will spare no effort to reach an agreement and adopt it before the date now established for the Convention's entry into force.

Mr. MOTOMURA (Japan): First of all, I should like to express my delegation's sincere gratitude to the Legal Counsel and Under-Secretary-General for Legal Affairs, Mr. Carl-August Fleischhauer, and his staff at the Division for Ocean Affairs and the Law of the Sea.

I also wish to extend my sincere congratulations to Mr. Fleischhauer on his election as a member of the International Court of Justice.

As we are all aware, on 16 November the Republic of Guyana deposited the sixtieth instrument of ratification; the Convention will thus enter into force 12 months after that date. After 15 years of negotiations to produce this document since Ambassador Pardo of Malta launched the famous concept of "the common heritage of mankind", truly a milestone in the history of international law, and a subsequent decade of preparatory work for the establishment of the Authority and the Tribunal, the United Nations Convention on the Law of the Sea is completing its long journey and is entering into force.

It may well be said that the Convention, with its aim of introducing a set of universally applicable rules for the use of the sea, is the most comprehensive single document ever produced by the international community. We have had to wait longer than we had expected for the submission of the sixtieth instrument, more than a decade after Fiji deposited the first instrument of ratification. Moreover, the States that have ratified or acceded to the Convention still represent only a part of the global community in terms of geographical distribution.

For this reason, we should regard the deposit of the sixtieth instrument as an opportunity to renew our efforts to ensure the universal application of the Convention. We still have one year to improve Part XI so that when the Convention enters into force it will be a document that has the support of the international community as a whole.

Indeed, there is wide recognition that gaining the universality of the Convention is our most important objective. Japan, as a maritime State having a major interest in maintaining the stability of the legal order relating to the sea, has welcomed the comprehensive codification that the Convention has attained on almost every aspect of the use of the sea, ranging from freedom of navigation to jurisdictions of coastal States over marine resources, to protection and preservation of the marine environment, to scientific research, and so on. In the negotiations at the Third United Nations Conference on the Law of the Sea, Japan worked tirelessly for the consensus adoption of a set of rules applicable to the entire international community. We still believe that the Convention, when seen in its entirety, deserves positive

appraisal despite the shortcomings in part XI. In particular, the Convention has the potential to put an end to discrepancies between national practices resulting from the arbitrary extension of jurisdictions by coastal States.

It is gratifying to note that during the course of the Secretary-General's consultations certain general agreements emerged as to how to overcome the most intractable issues. Japan has always been prepared to take an active part in the consultations in an effort to overcome the seemingly insurmountable difficulties between developed and developing countries, in order to find a widely acceptable set of solutions.

With regard to the work of the Preparatory Commission, several unresolved issues remain, due in part to the global political and economic changes that have occurred since the Convention was adopted. Nevertheless, thanks to the tireless efforts of the participants and the spirit of cooperation between them, the Commission was able to adopt the provisional final reports at its spring session this year. It is also worth recalling that following the registration in 1987 of the first group of pioneer investors - India, France, Russia, and Japan - the Preparatory Commission held a series of informal consultations reviewing the manner in which the registered pioneer investors were to fulfil their obligations. On 30 August 1990, after intensive negotiations, the General Committee, acting on behalf of the Preparatory Commission, unanimously adopted the Understanding on the Fulfilment of Obligations by the Registered Pioneer Investors and their Certifying States. Since its adoption, Japan and the Japanese pioneer investor, Deep Ocean Resources Development (DORD), have faithfully implemented their obligations. Among the obligations set forth in the Understanding is providing a training programme. At its tenth session, convened in Kingston in 1992, the Preparatory Commission adopted the Japanese training programme, and in the resumed tenth session held in New York three candidates were nominated for training, which commenced in May 1993.

Each trainee is currently taking a 10-month course in his respective field - geology, geophysics, electronic engineering - under the auspices of the Deep Ocean Resources Development and the Geological Survey of Japan, within the framework of technical cooperation by the Japan International Cooperation Agency (JICA). The three trainees are expected to play a central role in the future enterprise.

In concluding, let me reiterate that the next 12 months may be the most crucial period in the history of the law of the sea negotiations that have been under way ever since the Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor was established. We hope that the consultations, held at the initiative of the Secretary-General, will be conducted in a spirit of compromise and mutual understanding, so that they will result in a much improved seabed regime which will render the Convention acceptable to the international community as a whole.

Mr. KEATING (New Zealand): When we debate this item next year, the 1982 United Nations Convention on the Law of the Sea will have entered into force. It is therefore timely to consider today the situation before us, to reflect on the achievement that the Convention represents, to consider the difficulties that remain to be overcome in order to make it possible for the Convention to attain its full potential and to examine the new challenges to the oceans regime that have arisen since the Convention was adopted 11 years ago.

At the time of the adoption of the Convention in 1982, the President of the Third United Nations Conference on Law of the Sea, Ambassador Tommy Koh of Singapore, described the Convention as a multilateral instrument second only in importance to the United Nations Charter. New Zealand agreed with Ambassador Koh's assessment in 1982 and we still hold to that assessment today.

I would like to highlight some of the key achievements of the Convention.

First, it has contributed to the maintenance of international peace and security. The Convention has been instrumental in removing a major source of tension and potential conflict. It replaced the variety of conflicting claims to ocean spaces, with all their potential for dispute, with agreed limits on the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf.

Secondly, in another major contribution to removing sources of conflict and facilitating international trade, it clarified the principles relating to the freedom of navigation, through the important recognition of the rights and responsibilities attached to navigation in the exclusive economic zone, the regime of innocent passage through the territorial sea, and the regimes of transit and international sea lanes passage.

Thirdly, in a major contribution to the economic development of many States, including New Zealand, it established the rights of coastal States to the 200-mile exclusive economic zones and their rights of sovereignty over the living marine resources within the zone.

Fourthly, and with no less economic significance, it established the recognition of the sovereignty of coastal States over the continental shelf beyond 200 miles.

Fifthly, the Convention pioneered critical environmental and sustainable development concepts with the establishment of a framework for the conservation and management of high seas marine living resources, in which the duty of States to cooperate in the conservation of resources and to respect the interests and rights of coastal States was highlighted and new rules were designed to protect the marine environment from pollution.

Sixthly, the Convention elaborated rules on the conduct of marine scientific research.

This is by no means an exhaustive list of the major achievements of the Convention, but it serves to demonstrate that the world is a much better place today as a result of the 1982 Convention. For island countries like my own and for our neighbouring States of the South Pacific, the Convention clearly has a very special significance.

In this light, it is regrettable that over the course of the last decade references to the Convention have too often been seen as synonymous with the impasse over aspects of the deep seabed mining regime contained in part XI. It has to be acknowledged that the Convention failed to resolve to the satisfaction of some States a small number of issues relating to seabed mining. However, in our view this should in no way detract from the tremendous achievement that the Convention as a whole represents.

Happily, this year more than at any other time over the last decade, we can be optimistic that the remaining difficulties associated with part XI will be resolved in the very near future. We are pleased at the common commitment of both developing and developed States to finding solutions to these problems during the recent round of informal consultations convened by the Secretary-General.

We wish to express our appreciation to the United Nations Legal Counsel for his assistance in maintaining momentum in these efforts to forge a new consensus on seabed mining issues. We also wish to pay a tribute to the constructive efforts of the informal group of developing and developed States that has met in recent months to prepare and revise a document which might resolve the outstanding difficulties. This document, which has become known as the "Boat Paper", provides in our view a viable basis for a workable and lasting resolution of the part XI impasse, with respect to matters of both procedure and substance.

We consider that the Boat Paper should be taken as the basic negotiating text for further consultations. With that document to guide us, and working in a constructive and cooperative spirit, we believe that the establishment of a practical and realistic framework for future deep seabed mining which respects the fundamental principles of part XI, and in particular the principle of the common heritage of mankind, is within our grasp.

An agreement relating to the deep seabed mining provisions of the Convention would of course have a much wider significance than its immediate subject-matter. For it would provide the key to unlock the door to universal acceptance of the Convention as a whole. For New Zealand, which has been concerned about the risk that the major accomplishments of the Convention could be gradually eroded as long as the Convention does not achieve widespread ratification, this would be a most welcome development. We urge all participants in next year's negotiations to work strenuously to reach agreement before the Convention comes into force. That should enable countries such as New Zealand which have long supported the Convention but which have had concerns about the implications of the impasse on seabed mining to move ahead with speedy ratification.

I have to say that these positive developments have not come too soon. The world does not stand still and the problems of the oceans have grown at an alarming pace over the past decade. This is most acute in the areas of environment and sustainable fishing practices.

In recent years we have begun to witness the emergence of a new generation of problems related to the law of the sea. While the provisions of the Convention provide a sound framework, it is now clear that the proper implementation of the Convention's provisions in a number of fields requires the elaboration of further and more detailed rules.

The Secretary-General's report (A/48/527 and Add.1) demonstrates the range of issues under consideration in a number of different forums and the work that is being carried out to consolidate and strengthen the implementation of a number of the provisions of the Convention. The ongoing work by the International Commission for the Prevention of Pollution from Ships (MARPOL), the International Maritime Organization (IMO), the London Convention, the International Atomic Energy Agency (IAEA) and other forums to address issues of marine pollution, hazardous wastes and radioactive wastes issues are cases in point.

The United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks which

commenced in July, is a further example of the ongoing work to elaborate the Law of the Sea regime. At that Conference the New Zealand Minister of Fisheries said:

> "Eleven years after its adoption, the United Nations Convention on the Law of the Sea is, more than ever, regarded as a singular achievement in the codification and development of international law. It is a vital safeguard for all States of the right to use ocean spaces and to benefit from the ocean's resources. But a decade's experience has shown that its provisions for high seas fisheries management have not, in general, been given practical effect."

He went on to note that the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks

> "is about rather more than a narrow focus on jurisdictional issues related to a straddling stocks and highly migratory species. It is no less than a continuation of the international effort to bring order to the world's oceans in accordance with the Law of the Sea Convention."

New Zealand considers that it is imperative that the two further sessions of the Conference, which are scheduled for 1994, result in the adoption of strengthened measures to regulate high- seas fishing activities, thereby ensuring the sustainability of resources that are becoming increasingly scarce. We believe that a failure by the Conference to reach agreement on such concrete measures, preferably embodied in a binding legal instrument, would put at risk the Convention's regime on high-seas fisheries.

For its part, New Zealand recognizes that success at the Conference will depend on cooperation between both coastal and distant-water fishing States in finding lasting solutions to the crisis facing high-seas fisheries. A failure to accept that problems are faced on the high seas or to opt for the chaos and lack of any regulation that currently characterizes high-seas fishing activity in some parts of the world is - in both the short and long terms - in nobody's interests.

Ensuring the effective implementation of agreed fisheries-conservation measures is also essential. In this regard I would like to draw attention to the report that the Secretary-General has prepared this year on "Large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas" (A/48/451). As will be recalled, pursuant to General Assembly resolution 46/215 a global moratorium on all large-scale pelagic drift-net fishing on the high seas was brought into effect from 31 December 1992. The information provided in the Secretary-General's report, along with information that has been made available subsequently, confirms that, although the moratorium has been effectively implemented in most regions - including, I am pleased to note, in our own region of the South Pacific - drift-net fishing continues in certain high-seas areas in direct contravention of the General Assembly's moratorium. It remains essential, therefore, that the international community and competent regional organizations continue to monitor developments in this area and consider taking appropriate steps in the event that these violations continue.

In concluding, I should like to thank the Secretary-General and his staff in the Legal Office, and especially the Division for Ocean Affairs and the Law of the Sea, for the comprehensive report they have once again provided us, which covers developments relevant to all aspects of the 1982 Convention. The comprehensive "Annual Review of Ocean Affairs Law and Policy" prepared and published by the Division also performs an essential role in bringing relevant developments and national documents on law-of-the-sea related issues to the attention of Member States. New Zealand considers that the United Nations Secretariat in New York plays an invaluable role in ensuring proper coordination of all activities within the United Nations system concerning the Convention and in providing advice on policy and legal aspects of the Convention to technical agencies.

Looking to the future, we would also welcome the transformation of this debate from one which tends to be focused principally on Part XI matters to one involving a much broader exchange of views on all matters relevant to the Convention.

Finally, New Zealand is once again pleased to join the sponsors of the draft resolution before us today. The draft acknowledges both the achievements of the Convention and some of the challenges that remain to be addressed if it is to attain its fullest potential. Although this year the text will once again be adopted by vote, we are optimistic - and we will work to ensure - that next year's draft resolution is adopted by consensus.

Mr. PADILLA (Philippines): The Philippines, as the eleventh State to ratify the United Nations Convention on the Law of the Sea, welcomes the entry into force of the Convention on 16 November 1994, in accordance with its article 308. When we deposited our instrument of ratification on 8 May 1984 the Philippines became the second Asian State to ratify the Convention.

It has been a long wait since 1982, when the Convention was concluded and opened for signature. The 159 signatures that were appended to the Convention stand

as a remarkable declaration of faith in its purposes, spirit and objectives and as a demonstration of the near-universality of acceptance of most of its text.

We consider the Convention to be a major accomplishment. Its broad and comprehensive sweep provides a fair and equitable, dynamic and logical legal framework for addressing the central concerns of our nations in matters relating to this field.

We recall that the Convention was a product of long and intense negotiations. Several nations had varied concerns but, in the end, the text was a carefully crafted compromise.

My country, the Philippines, had major problems with parts of the text, particularly those relating to the archipelagic waters and internal waters. But the Philippines recognized, along with other nations, that a greater benefit would result for the entire international community if accommodation was reached and a legal instrument was concluded.

It is regrettable that, despite the wide acceptance that the Convention has already received, the developed States, with the exception of Iceland, continue to have serious difficulties with Part XI of the Convention. But this is not the time for assessing and parcelling out blame or for recrimination. We must be realistic. Whether we agree or not, the difficulties that the developed States have with respect to Part XI of the Convention must be addressed because they are real and substantial difficulties, as far as those States are concerned.

Nevertheless, we expect that our friends from the industrialized nations will respond with a realism and flexibility reflecting those that the Philippines and similarly situated countries have demonstrated. We have less than a year before the Convention enters into force. We hope that before it does agreement will be reached and the date of 16 November next year will be truly a propitious beginning for a legal regime acceptable to us all.

This is why we have been taking part in the Secretary-General's informal consultations on the outstanding issues relating to the deep-seabed-mining provisions of the Convention. The latest round, which was held during the current session of the General Assembly - it lasted from 8 November to 12 November - ended on a quite optimistic note. The participants shared the view that substantial progress had been made and that the prospects for achieving agreement on part XI had improved markedly.

It was decided - as is reflected in the draft resolution on this item - that the next round of informal consultations should be held in New York from 31 January to 4 February 1994, and that this round should be followed by the convening of the twelfth regular session of the Preparatory Commission in Kingston. The proximity of these dates to the latest round of these informal consultations reflects our common desire for an accelerated and intensified pace in these discussions.

My delegation does not wish, at this time, to go over the nine issues that we have identified. These have been discussed and debated at length in our consultations. We wish, however, to emphasize that we place a great premium on the procedure for transforming any agreement into a legally binding instrument. In this respect, of course, we have carefully noted the expressed willingness of the participants in our consultations to be flexible as to the form of the instrument and the procedure for adopting it. We fully support this attitude.

At the same time, however, we must recognize that what we want is the reality of a Convention that is legally binding and clearly articulated - legally binding so that the agreement we reach will be stable and enduring; clearly articulated so that the possibility of misunderstandings with regard to its provisions will be reduced.

We commend the Secretary-General and his staff for their report on developments relating to the law of the sea. We have taken note of the effect of the date of the Convention's entry into force on the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea and on its work. In this context, it is indeed fortunate that the Preparatory Commission was able to complete its provisional final reports. We express our deep appreciation to Ambassador Jesus, Chairman of the Commission, for his wise leadership and unrelenting efforts as he guided the Commission's deliberations.

The addendum to the report of the Secretary-General outlines the activities that the Commission will need to undertake. Under the Convention, the Commission will have to convene the Group of Technical Experts that will assess when commercial production from deep seabed mining may be expected to commence. If the Group concludes that production will not take place for an extended period, the Commission, in turn, will recommend to the Authority that the annual fixed fee payable under annex III - paragraph 3 of article 13 - be waived for a relevant period. The Commission will also submit its final reports and transfer its property and records to the International Seabed Authority, after which the Commission will dissolve itself.

The Assembly of the International Seabed Authority will hold its first session on the date of the Convention's entry into force, and the meeting of the States parties to the Convention is to be convened within six months of 16 November 1994.

The Secretary-General, as is provided for in article 319 of the Convention, will assume his functions under the Treaty. He will also begin making arrangements for the meeting of States Parties, for the election of the members of the International Tribunal for the Law of the Sea and the members of the Commission on the Limits of the Continental Shelf, and for the drawing up of the lists of conciliators and arbitrators and of the list of experts.

All these activities and developments can assume their true significance only if, by the time of the Convention's entry into force, we have settled our differences and are fully prepared, on the basis of our understandings and agreements, to undertake the establishment of these institutions.

We are pleased to have found, in our consideration of the Secretary-General's report, that it encompasses the major topics of concern relating to the law of the sea. Aside from State practice and national policy, the report deals with the settlement of conflicts and disputes, maritime safety and protection of the marine environment, and the conservation and management of living marine resources.

In the report's section on regional developments, mention is made of the International Conference on Economic and Legal Aspects of Tuna Fisheries Management that was held in Manila on 12 and 13 October 1992. We were pleased to host this Conference, which adopted the "Manila Principles for High Seas Fisheries Management". The Manila Principles recognize the value of utilizing existing regional mechanisms in order to initiate dialogue on issues related to high-seas-fisheries management.

In this connection, we regard the recent Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks as a useful and constructive contribution to the objective of conserving and managing the world's fishing resources.

The heightened awareness of our environment has greatly changed our perception of the oceans and seas. Thus, the General Assembly's endorsement of Agenda 21 of the United Nations Conference on Environment and Development and the institutional follow-up to Agenda 21 are salutary developments.

The report also discusses the shipping industry, illicit drug trafficking and piracy.

We have taken particular note of the report's conclusion, based on the more than 400 incidents of piracy and armed robbery reported to the International Maritime Organization, that the danger is greatest in South-East Asia. We view this matter with concern, and we look forward to its being addressed by the Association of South-East Asian Nations (ASEAN) and by our region.

The topic of waste management, transport and disposal is of vital concern. In this connection, we note that the London Convention of 1972 was amended on 12 November of this year to include a permanent ban on the dumping of all types of radioactive waste at sea. We consider this to be another substantial step in the right direction. However, we remain concerned about the fact that some States will continue to dump such waste because of economic and other considerations. We think that this is short-sighted and is not in the interests of those States. Certainly it is not in the interests of the international community.

We are aware that nuclear and toxic industrial wastes have been estimated as making up only 10 to 20 per cent of the total material that is dumped into the sea, with the bulk being made up of raw sewage, pesticide and fertilizer run-off and airborne waste. Clearly, Governments must continue their efforts to reduce the magnitude of this problem.

We stand at the threshold of a new century, a century of vast expectations and high hopes, a century in which we hope to see the fulfilment of our universal proclamation that the seabed and ocean floor and their resources are the common heritage of mankind. May history record that we conserved and managed the seas and their riches wisely and well for the benefit of all peoples, for the good of our Earth, for the preservation and healthy growth of all that lives and breathes in the ocean and for the bountiful inheritance of our many generations yet to come.

Mr. OSVALD (Sweden): The 1982 United Nations Convention on the Law of the Sea, a convention of codification and of progressive development of international law, is undoubtedly one of the most ambitious projects undertaken so far by the United Nations. The influence of the Convention can be seen in current State practice, in bilateral agreements and in the decisions and opinions of the International Court of Justice.

The Law of the Sea Convention is multifaceted: it addresses all uses of the oceans and their resources; it creates a multitude of rights and imposes a multitude of

responsibilities on States. Sweden is one of the 159 States and other entities that have signed the United Nations Convention on the Law of the Sea.

The Convention on the Law of the Sea is thus a convention of major importance. Some of the Convention's provisions reflected what was already customary law in 1982. During the course of the last decade, more and more of its provisions have achieved that status. This development is likely to continue.

In some areas, the Convention was ahead of its time. This is particularly true in the field of the protection of the marine environment and the conservation of living marine resources. The United Nations Conference on Environment and Development was therefore able to rely on the rules of the United Nations Convention on the Law of the Sea when setting out the programme for protection of the oceans in chapter 17 of Agenda 21.

The provisions of the United Nations Convention on the Law of the Sea concern the conservation of living resources in the high seas and within the exclusive economic zone, aiming at environmentally sustainable development. In this context, Sweden welcomes the global moratorium on all large-scale pelagic drift-net fishing on the high seas as an example of the trend towards discouraging non-sustainable fishing practices.

Furthermore, it is our view that if a coastal State identifies a need to protect its resources in the exclusive economic zone by means of actions taken outside the zone or of actions that affect the rights of other States in the exclusive economic zone, such actions should not be taken unilaterally, but in cooperation with the international community and with the principle of due regard as the primary tool of guidance. These issues are being further discussed at the Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks.

Global acceptance of the United Nations Convention on the Law of the Sea must be the goal; otherwise there is a serious risk of conserving a multiple-track system of sources for the law of the sea rules - that is, the 1958 law of the sea Conventions; the 1982 Convention; regional conventions; the rules of customary law; and "creeping jurisdiction". That would be a most unfortunate situation.

Over the last two years, informal consultations have been conducted by the Secretary-General, with the assistance of the Legal Counsel, with the objective of facilitating progress on issues to do with part XI of the Convention. As a result of these tireless efforts and the constructive attitude of the international community, a dialogue is now well under way towards resolving outstanding concerns.

Allow me, Mr. President, to take this opportunity to express my delegation's sincere gratitude to the Under-Secretary-General for Legal Affairs, Mr. Fleischhauer, and to his staff for their dedicated efforts throughout the years. Their expertise and competence were manifested in the various meetings they organized and in the valuable reports they produced.

The year 1993 has turned out to be a most eventful year in the 11-year-old history of the United Nations Convention on the Law of the Sea. At the Kingston session this spring, the Preparatory Commission was finally able to conclude the work of the four Special Commissions by approving their draft final reports. I am therefore pleased to have this opportunity to pay a special tribute to Ambassador José Luis Jesus of Cape Verde for his outstanding leadership as Chairman of the Preparatory Commission.

It is encouraging that the sixtieth ratification of the United Nations Convention on the Law of the Sea is now at hand, and that the Convention will therefore enter into force within less than a year. This means, however, that only slightly more than one third of the States in the world will be bound by its provisions on binding-treaty grounds. This underlines the need for increased support for the Convention by the international community. It is my Government's hope that the consultations under the auspices of the Secretary-General will lead to universal participation in the Convention.

Sweden has the pleasure this year to be a sponsor of the draft resolution on the law of the sea now before us. The hope that the consultations to which I referred will take place at an early date is well reflected in the draft resolution.

It is important to maintain the spirit of cooperation that inspired us to convene the Third United Nations Conference on the Law of the Sea, to take us on to the next constructive step: the adoption by the General Assembly of a declaration whose contents would be legally binding, in order to reach what should be our common goal - a universally accepted Convention on the Law of the Sea.

It is my delegation's conviction that 1994 will be a year of achievements in that regard.

Mr. MUTHAURA (Kenya): On 16 November 1993, the Secretary- General of the United Nations received the sixtieth instrument of ratification of the United Nations

Convention on the Law of the Sea. Having now acquired the required number of ratifications or accessions, the Convention will enter into force 12 months from that date, exactly 12 years after its adoption in Montego Bay, Jamaica.

My delegation is particularly delighted to be able to participate in the debate on this item on this momentous occasion, which is the culmination of efforts begun 25 years ago to establish a new comprehensive legal order for the regulation of the ocean space. Kenya is proud to be among the 60 States Parties to the Convention, which we view as the most innovative document of this century. This comprehensive regime was the product of the meticulous efforts of experts from over 150 countries, who laboured for over 9 years to establish a just and equitable order that successfully accommodated the competing interests of all nations, big and small. It is no wonder that the Convention has had a profound political, economic and legal effect and is a dominant influence on the conduct of States in marine matters.

My delegation is grateful for the thoughtful report presented by the Secretary-General in document A/48/527 and Add.1, which provides up-to-date information on State practice and on developments in the field of the law of the sea. We note in particular the increase and progress made in States' implementation of the legal regime through adoption or modification of their legislation in accordance with the provisions of the Convention. We wish to express our appreciation to the hard-working staff of the Division for Ocean Affairs and the Law of the Sea for compiling this information year after year.

My Government continues to attach great importance to oceans and their resources. To this end, and consistent with its commitment as a ratifying State, Kenya has firmly embodied the provisions of the new regime in its national laws through the enactment of the Maritime Zones Act, which defines the areas over which it exercises sovereignty or jurisdiction. In addition, the Government has undertaken efforts to integrate the ocean sector into its national development plans and programmes. We look forward to increased international cooperation in this field with international organizations and States with advanced marine capabilities, so that we can derive maximum benefits from the regime established by the Convention.

My delegation is happy to note that the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea - created at the Third United Nations Conference on the Law of the Sea to prepare rules, regulations, procedures, administrative and institutional structures, as well as other necessary requirements for the two institutions created by the Convention - adopted its final reports in April this year. Kenya participated in the valuable work of the Preparatory Commission, which laid down the infrastructure necessary for the management of the area and its resources. The coming into force of the Convention will affect the future programme of work of the Preparatory Commission. Among other things, the Commission is expected to transfer its property and records to the International Seabed Authority and to dissolve itself at the conclusion of the first session of the Assembly, which will take place on the date of entry into force. We hope that the achievements made and expertise developed during the work of the Preparatory Commission over the past 11 years will fully benefit the future work of the Authority. We pay a special tribute to the dedicated chairmanship of Ambassador José Luis Jesus of Cape Verde.

While the support for the Convention which the States Parties have demonstrated through their ratification and accession is a source of satisfaction for my delegation, the imperative need to have a Convention which is universally accepted has not escaped our attention. The draft resolution before the Assembly once again urges States to make renewed efforts to facilitate universal participation in the Convention and to work to consolidate the achievements of the Convention through a widely ratified treaty.

The need to achieve universality of the Convention acquires special significance and urgency as we approach its entry into force. Apart from certain provisions in the deep seabed mining regime, the Convention enjoys broad support throughout the international community. It is unfortunate that problems with this part have unfairly distracted us from the significant overall achievements of the Convention.

Since July 1990, in a timely effort to achieve universal participation, the Secretary-General of the United Nations has conducted informal consultations in order to identify and seek to deal with the issues which have continued to prevent industrialized States from ratifying or acceding to the Convention. We agree with the Secretary-General that these consultations are not a negotiation of the Convention in disguise, but are rather intended to shed light on various positions with respect to outstanding issues on the deep seabed mining provisions of the Convention.

My delegation would like to acknowledge that the past rounds have produced an understanding on the basic principles to be applied in resolving the outstanding issues. We have witnessed a greater willingness on the part of all parties to address the issues by means of open dialogue. We strongly support this effort to achieve universal participation in the Convention and urge all States,

especially those that did not sign the Convention, to commit themselves more positively to the efforts being made to resolve the problems.

For our part, we intend to continue taking part in this dialogue in a very open and constructive spirit and on the understanding that all delegations participating in the exercise accept the fundamental principles underlying the Convention, in particular the principle that the area and its resources are the common heritage of mankind. Based on this principle, the outcome of the consultations must foster the cohesiveness of the package the Convention constitutes and thus maintain its integrity.

Mr. SARDENBERG (Brazil): Brazil attaches particular importance to this debate in the General Assembly on the law of the sea. The United Nations Convention on the Law of the Sea represents a model of international cooperation related to the use of areas covering over two thirds of our planet. More and more countries are adapting their national legislation to the provisions of the Convention. In this connection, I am pleased to announce that on 5 January 1993 the President of Brazil sanctioned a law approved by the National Congress which is based on the norms embodied in the Convention. National measures such as this demonstrate once again the vitality of the Convention, which has been generating patterns of consistent State practice and influencing the work of international organizations and the decisions of international tribunals, as pointed out by the Secretary-General in his report to the General Assembly.

With the deposit of the instrument of ratification by Guyana, a member of the Group of Latin American and Caribbean States, the Convention will enter into force less than a year from now. While we welcome this trend, we cannot fail to be seriously concerned at the fact that the Convention still lacks universal acceptance. Part XI remains an obstacle to ratification or accession, particularly by developed States, which have expressed major difficulties with certain aspects of the deep seabed mining provisions of the Convention. In order to find a solution to these problems, Secretary-General Javier Perez de Cuellar took the initiative of convening informal consultations to promote dialogue with interested delegations, a process which has been carried on and intensified under Secretary-General Boutros Boutros-Ghali.

In the course of the last few rounds of informal consultations, real progress has been made towards finding a practical and realistic solution which could secure consensus among all the delegations involved in the process. A renewed commitment by the participants to dialogue and the imminence of the entry into force of the Convention led delegations to substantive and useful debates. In the forthcoming year, we would expect that the discussions could lead to an understanding on specific formulations on the different areas of concern.

Brazil will be ready, as in the past, to participate constructively and in an open spirit with all delegations towards our common ultimate goal - universal participation in the 1982 Convention. Needless to say, the principle of the common heritage of mankind remains at the heart of the discussions.

As a result of the informal consultations, Brazil would expect that we could all reach agreement on the adoption of an instrument that does not affect the text of the Convention as it is. In our view, an agreement on the implementation of part XI would serve the legitimate interests of States which have ratified the Convention and at the same time provide a solution that would enhance the prospects for a much wider participation in the Convention.

A word of special recognition is due to Mr. Carl-August Fleischhauer, Under-Secretary-General for Legal Affairs, and to Mr. Jean-Pierre Levy, Director of the Division for Ocean Affairs and the Law of the Sea, for the very competent role they have been playing in the process.

Turning to other aspects of the Convention, I wish to comment briefly on the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. The Convention provides, in its part VII, for a set of rules to regulate the management and the conservation of the living resources of the high seas.

In view of the increased need to regulate high-sea fisheries, coastal States and States fishing on the high seas considered it appropriate to enhance international cooperation on the conservation and management of these stocks.

As the outcome of the Conference, the Brazilian delegation would expect the establishment of an effective regime to prevent the depletion of much-needed stocks. With the United Nations Convention on the Law of the Sea as the basic framework for our work, we believe that substantial progress could be made with the adoption of a legally binding instrument.

Brazil is co-sponsoring the draft resolution before us, which essentially reflects the work done in earlier sessions of the General Assembly and takes into account the fact that the Convention will enter into force next year.

The twelfth session of the Preparatory Commission is scheduled for February, and another meeting will probably take place in New York in the second semester of next

year. The commendable work already done by the Preparatory Commission is coming to a conclusion, in accordance with paragraph 13 of resolution I. Credit for the successful work of the Commission is due, to a large extent, to the diplomatic skills of Ambassador José Luis Jesus of Cape Verde.

A number of issues remain to be discussed in the Preparatory Commission. Before the entry into force of the Convention, the Commission is, *inter alia*, to prepare the provisional agenda for the first session of the Assembly and of the Council of the International Seabed Authority and, as appropriate, make recommendations on, among other matters, the budget for the first financial period of the Authority.

Moreover, the Preparatory Commission, as the only formal forum envisaged by the Convention for the period prior to its entry into force, should take stock of the work done in the informal consultations conducted by the Secretary-General and make appropriate recommendations.

The 1982 Convention is a remarkable product of international understanding and cooperation. It stands out as one of the most notable achievements in the history of multilateral diplomacy. It is also a landmark in the quest for the strengthening of international law.

The undeniable accomplishments of the Convention should not in any way be imperilled. The international community must spare no effort to transform into reality the spirit that inspired our representatives to the United Nations Conference on the Law of the Sea.

Let us hope that on 16 November 1994 the United Nations will celebrate not only the entry into force of the Convention but also, and more important, its wide and decisive acceptance by the international community as a whole.

Mr. ABDELLAH (Tunisia) *(interpretation from French)*: This year, in our consideration of the question of the law of the sea, there is a new element of hope. Indeed, Guyana has just deposited, on 16 November 1993, its instrument of ratification of the United Nations Convention of the Law of the Sea, thus making it possible for the Convention to enter into force, 12 years after its adoption at Montego Bay on 30 April 1982.

I should like to take this opportunity to make an urgent appeal to those States that have not yet done so to ratify the Convention or to adhere to it in order to ensure its universality. The implementation and the success of the Convention will depend on that international recognition of it.

We need hardly recall the historic significance of such a text. Innovative in its content, it represents an unquestionable contribution to international maritime law and constitutes an important milestone in the codifying of international law. By establishing a regime for the exploitation of the seabed beyond national jurisdiction which provides for an equitable sharing of its resources, the Convention has a part to play in bringing about a just and equitable international economic order governing ocean areas.

The concept of the common heritage of mankind which it projects is a crystallization of all the hopes of the developing countries for a better world based on peace, justice and progress for all. For this reason, while understanding the reasons invoked by a number of countries for reconsidering certain aspects of the regime set forth in the Convention, to bring the Convention into line with the new economic and political realities, Tunisia emphasizes the need to preserve its spirit.

The consultations conducted by the Secretary-General of the United Nations for three years now on the substantive issues that pose problems for the industrialized countries are, in the opinion of my country, an excellent initiative. None the less, we must not lose sight of the fact that the present realities must inevitably change. It is therefore necessary to adopt a pragmatic attitude towards the questions that remain outstanding and to avoid settling them in haste. In fact, what we decide on today may not prove to be operational tomorrow, when the time comes to exploit the minerals extracted from the seabed, which all experts agree will only be economically and technically viable in some 20 years.

Another problem, which in our view is equally important, is that of the procedure to be followed in order to take into consideration the concerns of the industrialized countries regarding part XI of the Convention. The Secretary-General indicates in his report (A/48/527) that it was not possible, at this stage, to reach agreement in this respect.

In the view of my country, any settlement of this question must be based on respect for the acquired rights of the States that have ratified the Convention and have thus committed themselves to implementing it at the national level and to adapting their own internal legislation to its provisions. Such a settlement must also be consistent with the procedures set forth in the Convention. Indeed, we believe that the proper way of approaching the procedural question would be to follow the relevant provisions of the Convention while avoiding a literal interpretation of its article 314.

It goes without saying that if an agreement is reached following the Secretary-General's consultations on part XI of the Convention and its related provisions, it would be implemented only after the Convention had entered into force.

The Convention's entry into force. That entry into force, on 16 November 1994, will have repercussions on the future work of the Preparatory Commission of the International Seabed Authority and the International Tribunal for the Law of the Sea. The tasks of the Tribunal will include the establishment of the provisional agenda and draft rules of procedure of the first session of the Assembly of the International Seabed Authority. It will also have to submit its final report on all the questions within its purview to the Assembly at its first session, which is to be held on the date of the Convention's entry into force.

In view of the extensive agenda, we believe that at least two meetings of the Commission should be held before the Convention enters into force so that it can successfully complete its work. This will also enable the Commission to evaluate the consultations that the Secretary-General will have conducted during the preceding months.

Before concluding, I must express my gratitude to the Legal Counsel of the United Nations, Mr. Carl-August Fleischhauer, for the great amount of work he has done, and I again congratulate him on his election to the International Court of Justice. I also wish to convey my thanks to Ambassador Jesus of Cape Verde for his wise leadership of the work of the Preparatory Commission.

The meeting rose at 1.05 p.m.